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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,068	12/15/2003	Ronald L. Mahany	14235US02	4277
23446 7590 01/10/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER DOAN, PHUOC HUU	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,068

Applicant(s)

MAHANY ET AL.

Examiner

PHUOC H. DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-87 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 58-79 is/are allowed.
- 6) ☒ Claim(s) 49-57 and 80-87 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **49-57, and 80-87** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Akhavan (US Patent No: 5,673,308)** in view of **Wiedeman (US Patent No: 5,903,837)**.

As to claim **49, 53, 49**, Akhavan discloses a communication network, comprising: a plurality of computing devices “**310**” comprising a roaming terminal device (col. 21, lines 60-65; **subscriber station 310 roams out of the home zone, a radio link is established with the nearest cellular base station 304**), each computing device comprising a wireless transceiver (Fig. 2, # 200); and a plurality of access devices “**base station 304**” supporting wireless communication among the plurality of computing devices (col. 22, lines 20-36), the plurality of access devices comprising a first access device and a second access device (col. 22, lines 37-50; **for roaming which have left the home cellular system to second access system**), the second

access device accessed via the access device, wherein at least one of a code and data is retained in the second access device (col. 5, lines 10-16 **a roamer selects a call routing option by entering specific codes**), wherein the at least one of the code and the data is requested a plurality of times by the first access device (col. 5, lines 25-45). However, Akhavan does not disclose wherein a copy of the at least one of the code and the data migrates to the first access device.

In the same filed of endeavor, Wiedeman discloses wherein a copy of the at least one of the code and the data migrates to the first access device (col. 21, lines 44-62; **which interrogates the resident copy of the roaming user database 222 to determine if the user is roaming in the SSA**). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide at least one of the code and the data migrates to the first access device as taught by Wiedeman to the system of Akhavan in order of updating databases of users based on information provided by network control of servicing a roaming.

As to claim 50, 54, 82, Akhavan further discloses the communication network according to claim 76, wherein the copy migrating to the first access device is stored in the first access device (col. 21, lines 44-62).

As to claim 51, 55, 86, Akhavan further discloses the communication network according to claim 76, wherein the roaming terminal device initially accesses the at least one of the code and the data via the second access device, and wherein the first access device forwards the at least one of the code and the data from the second access device to the roaming terminal device (See col. 5, lines 10-16, col. 22, lines 37-50).

As to claim 52, 56, Akhavan further discloses the communication network according to claim 78, wherein the roaming terminal device subsequently accesses the at least one of the code and the data via the from access device in which a copy of the at least one of the code and the data has been stored (col. 5, lines 18-40).

As to claim 57, Akhavan further discloses the method according to claim 80, further comprising: migrating a copy of the at least one of the code and the data to the roaming terminal device (col. 21, lines 44-62).

As to claim 83, Akhavan further discloses the method according to claim 82, wherein migrating the copy comprises storing the copy in the first access device (col. 21, lines 44-62).

As to claim 84, Akhavan further the method according to claim 82, further comprising: accessing the migrated copy of the program code or the data stored in the first access device instead of accessing the program code or the data stored in the second access device (col. 21, lines 44-62).

As to claim 85, Akhavan further discloses the method according to claim 82, further comprising: migrating a copy of the program code or the data from the first access device to the mobile communication device (col. 21, lines 44-62).

As to claim 87, Akhavan further discloses the method according to claim 80, wherein the mobile communication device comprises a roaming terminal device (col. 22, lines 37-50).

Allowable Subject Matter

3. Claims **58-79** are allowed.

As to claim 58, the prior art of record either alone or combination do not disclose a communication network, comprising: a plurality of computing devices comprising a roaming terminal device, at least one computing device comprising a wireless transceiver; and a plurality of access devices supporting wireless communication

among the plurality of computing devices, the plurality of access devices comprising a first access device and an access device downstream with respect to the first access device, the downstream access device retaining a particular program code or a particular data, wherein the first access device sends a request for the particular program code or the particular data to the downstream access device, and wherein the first access device determines whether to request a migration of the requested program code or the requested data from the downstream access device to the first access device.

As to claim 73, the prior art of record either alone or combination do not disclose a communication network, comprising: a plurality of computing devices comprising a mobile communication device, the mobile communication device comprising a wireless transceiver and supporting requests for program code and data; and a plurality of access devices supporting wireless communication among the plurality of computing devices, the plurality of access devices comprising a first access device and a second access device, the second access device being downstream of the first access device with respect to the mobile communication device, the second access device storing a particular program code or a particular data, wherein the mobile communication device generates a request for the

particular program code or the particular data and transmits the request to the second access device via the first access device, wherein the second access device forwards, via the first access device, the requested program code or the requested data code to the mobile communication device, and wherein the first access device determines whether to migrate the requested program code or the requested data from the second access device to the first access device based on one or more migration factors.

Dependent claims 59-72, and 74-79 are allowed by virtue of dependency claims.

Conclusion

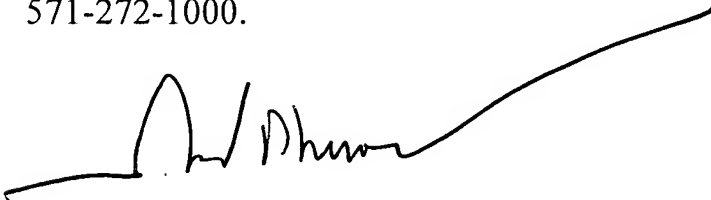
Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Examiner, Phuoc Doan
01/03/08


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER